

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion for Default [doc. #17]. Plaintiff filed suit against Defendants Wade E. Brown and MTG Mobility, LLC on April 1, 2008, alleging breach of contract, misappropriation of trade secrets, inevitable disclosure, breach of duty of loyalty, tortious interference with business relations, and tortious interference with business expectancy. Defendant Brown filed an answer on May 2, 2008, however, no answer was filed by Defendant MTG Mobility, LLC. Due to Defendant MTG Mobility, LLC's failure to file a responsive pleading, Plaintiff moved for entry of default against Defendant MTG Mobility, LLC on June 4, 2008, and default was entered by the clerk on June 17, 2008. The Court held a hearing on Plaintiff's motion for default on July 11, 2008, where no one appeared on behalf of Defendant MTG Mobility, LLC.

The Court recognized, at that time, that a default judgment against Defendant MTG Mobility, LLC was appropriate, but postponed ruling on Plaintiff's motion until additional evidence of damages had been provided. On August 1, 2008, Plaintiff submitted an affidavit of Bruce Golatka, regional manager of Plaintiff company, stating that Plaintiff would have realized a

profit of \$10,136.00 on the sale to Defendant MTG Mobility, LLC. The Court will therefore enter default judgment against Defendant MTG Mobility, LLC for the amount of Plaintiff's lost profits. The Court recognizes that Plaintiff originally requested damages in the amount of \$25,340.00, the cost of producing the custom mobility device. However, Plaintiff has not provided evidence that they were unable to resell the chair, and therefore, the Court finds it appropriate to enter damages in the form of lost profits.

Accordingly.

IT IS HEREBY ORDERED that Plaintiff's Motion for Default Judgment [doc. #17] is **GRANTED**. Defendant MTG Mobility, LLC shall pay Plaintiff damages in the amount of \$10,136.00 plus post judgment interest.

Dated this 4th Day of August, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE